

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following commentary.

I. Status of the Claims

Claims 2-3, 9, 22, and 25-36 were cancelled previously. Claims 23-24 are cancelled now as well, without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of any cancelled claims in one or more continuing applications.

Claims 1 and 15 have been amended to recite “50 mmol/L or less.” As the examiner points out, the disclosure of original specification “0-50 mmol/L” includes the value of 50 mmol/L. Claims 10 and 11 have been amended to recite the full chemical name of PEG and to correct a typographical error.

Because no new matter is introduced, applicants respectfully request entry of this amendment. Upon entry, claims 1, 4-8, 10-21, 37, and 38 will be pending.

II. Rejection of Claims under 35 U.S.C. §112, first paragraph

The examiner rejected claims 1, 4-8, 12-21, and 37 for alleged lack of written description. Applicants respectfully traverse the rejection.

More specifically, the examiner contends that recitation of “less than 50 mmol/L” constitutes new matter. Without acquiescing to the stated rationale, applicants choose to amend claims 1 and 15 to recite “50 mmol/L or less.”

The examiner further contends that recitation of “the separation agent comprising a monovalent cation at a final concentration of less than 50 mmol/L” constitutes new matter because the specification describes that the separation agent also contains a polyanion and a divalent cation in addition to the monovalent cation. To support the new matter rejection, the

examiner interprets the claim language as “a separation agent containing *only* a monovalent cation” (Office Action, page 3, line 12; emphasis added).

The examiner’s construction of claim language directly contravenes the meaning of the transitional phrase, “comprising,” which is governed by the case law and elaborated in MPEP 2111.03. Because “comprising” is an open-ended transitional phrase, it does not exclude any additional components. Therefore, the examiner’s rationale, based as it is on an incorrect interpretation of the claim language, warrants withdrawal of the rejection.

III. Rejection of Claims under 35 U.S.C. §112, second paragraph

The examiner rejected claims 10-11 and 38 for allegedly being indefinite. Claim 10 has been amended to correctly refer to the test sample of step (i). Claims 10 and 11 have been further amended to recite the full chemical name of PEG. Accordingly, applicants respectfully request withdrawal of the rejection.

IV. Rejection of Claims under 35 U.S.C. §103(a)

The examiner rejected claims 23-24 for alleged obviousness over PCT Publication No. WO 00/17388 by Sugiuchi.

Without acquiescing to the stated basis of the rejection, applicants choose to advance prosecution by cancelling claims 23-24, thereby mooting the rejection.

CONCLUSION

Applicants submit that this application is in condition for allowance, and they request an early indication to this effect. Examiner Wallenhorst is invited to contact the undersigned directly, should she feel that any issue warrants further consideration.

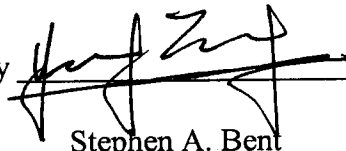
The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, then applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date 21 January 2009

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

By



Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

for
YANG TANG
Reg. No. 55,663